

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 34**

FINAL READING

Introduced by Thompson, 14; Bromm, 23; Dw. Pedersen, 39

Read first time January 4, 2001

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to  
2 amend sections 60-4,117 and 60-4,151, Reissue Revised  
3 Statutes of Nebraska, and sections 60-484, 60-493,  
4 60-494, 60-4,144, and 60-4,181, Revised Statutes  
5 Supplement, 2000; to change provisions relating to organ  
6 and tissue donation language on applications; to  
7 harmonize provisions; to provide an operative date; and  
8 to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-484, Revised Statutes Supplement,  
2   2000, is amended to read:

3           60-484. (1) Except as otherwise provided in the Motor  
4   Vehicle Operator's License Act, no resident of the State of  
5   Nebraska shall operate a motor vehicle upon the alleys or highways  
6   of the State of Nebraska until the person has obtained an  
7   operator's license for that purpose.

8           (2) Application for an operator's license may be made on  
9   uniform blanks prepared and furnished by the director to the county  
10   treasurers and the examiners of the Department of Motor Vehicles  
11   prior to January 1, 2003. Such application may be made to an  
12   examiner in any county. The standard application blanks shall be  
13   sufficient in form and content to substantially carry out the  
14   purposes of the act.

15          (3) Beginning October 1, 2000, application for an  
16   operator's license may also be made in a manner prescribed by the  
17   department. Such application may be made to an examiner in any  
18   county. The examiner shall personally conduct the examination of  
19   the applicant and deliver to each successful applicant an  
20   examiner's certificate containing the statements made pursuant to  
21   subsection (4) of this section.

22          (4) In addition to any other information and questions  
23   necessary to comply with the requirements and purposes of the act,  
24   the applicant (a) shall provide his or her name, age, post office  
25   address, place of residence, date of birth, sex, social security  
26   number, and brief description of himself or herself, (b) may  
27   complete the voter registration portion pursuant to section 32-308,  
28   (c) shall be provided the advisement language required by

1 subsection (10) of section 60-6,197, (d) shall answer the  
2 following:

3 (i) Have you within the last three months (e.g. due to  
4 diabetes, epilepsy, mental illness, head injury, stroke, heart  
5 condition, neurological disease, etc.):

6 (A) lost voluntary control or consciousness ... yes ...  
7 no

8 (B) experienced vertigo or multiple episodes of dizziness  
9 or fainting ... yes ... no

10 (C) experienced disorientation ... yes ... no

11 (D) experienced seizures ... yes ... no

12 (E) experienced impairment of memory, memory loss ... yes  
13 ... no

14 Please explain: .....

15 (ii) Do you experience any condition which affects your  
16 ability to operate a motor vehicle? (e.g. due to loss of, or  
17 impairment of, foot, leg, hand, arm; neurological or neuromuscular  
18 disease, etc.) ... yes ... no

19 Please explain: .....

20 (iii) Since the issuance of your last driver's  
21 license/permit has your health or medical condition changed or  
22 worsened? ... yes ... no

23 Please explain, including how the above affects your ability to  
24 drive:

25 .....,

26 and (e) may answer the following:

27 (i) Do you wish to register to vote as part of this  
28 application process?

1 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
2 QUESTIONS:

3 (ii) Do you wish to be an organ and tissue donor? ~~make~~  
4 ~~an anatomical gift?\*~~

5 ~~If yes:~~

6 ~~(A) ..... any needed organs or tissues~~

7 ~~(B) ..... only the following organs or tissues~~

8 ~~.....~~

9 ~~(C) ..... my body for anatomical study, if needed.\*\*~~

10 ~~Limitations or special wishes if any .....~~

11 (iii) Do you wish to receive any additional specific  
12 information regarding ~~anatomical gifts~~ organ and tissue donation?

13 ~~\*An anatomical gift means a gift of all or any part of~~  
14 ~~your body for transplantation, therapy, or medical or dental~~  
15 ~~education or research. For purposes of an anatomical gift, parts~~  
16 ~~of your body include organs, tissues, eyes, bones, arteries, blood,~~  
17 ~~other fluids, and other portions of a human body. You may make an~~  
18 ~~anatomical gift if you are of sound mind. The anatomical gift is~~  
19 ~~effective upon your death and the consent of your next of kin,~~  
20 ~~guardian, or other person as listed in section 71-4802.~~

21 ~~\*\*In order for you to donate your body to the State~~  
22 ~~Anatomical Board, you must complete a bequeathal form which is~~  
23 ~~available from the board.~~

24 ~~.....~~ ~~.....~~ ~~.....~~

25 ~~Signature of Donor~~ ~~Date of Birth~~ ~~Date Signed~~

26 ~~.....~~ ~~.....~~ ~~.....~~

27 ~~City and State~~ ~~Witness~~ ~~Witness~~

28 (iv) Do you wish to donate \$1 to promote the Organ and

1 Tissue Donor Awareness and Education Fund? This is strictly a  
2 ~~voluntary contribution.~~

3 If you answer "YES", you may pay the dollar in cash or  
4 simply add it to your license fee payment. Funds collected will be  
5 used for statewide public information programs on organ and tissue  
6 donation.

7 (5) Application for an operator's license shall be made  
8 under oath or affirmation of the applicant.

9 (6) The social security number shall not be printed on  
10 the operator's license and shall be used only (a) to furnish driver  
11 record information to the United States Selective Service System  
12 under section 60-483, (b) with the permission of the director in  
13 connection with the verification of the status of an individual's  
14 driving record in this state or any other state, or (c) for  
15 purposes of child support enforcement pursuant to section 42-358.08  
16 or 43-512.06.

17 (7)(a) Except for an individual under the age of eighteen  
18 years, each individual applying for an operator's license or a  
19 state identification card shall furnish proof of date of birth and  
20 identity by a valid Nebraska operator's license, a valid Nebraska  
21 learner's permit, a valid Nebraska school permit, a valid  
22 operator's license from another state or jurisdiction of the United  
23 States, a certified birth certificate, a certified birth  
24 registration, a valid United States passport, a valid United States  
25 military identification card, United States military discharge  
26 papers, or other United States-based identification as approved by  
27 the director.

28 (b) Any individual under the age of eighteen years

1 applying for an operator's license or a state identification card  
2 shall provide a certified copy of his or her birth certificate, a  
3 certified birth registration, or other reliable proof of his or her  
4 identity and age accompanied by an affidavit signed by a parent or  
5 guardian explaining the inability to produce a copy of such birth  
6 certificate. The applicant may be required to furnish proof to the  
7 examiner that the parent or guardian signing any written  
8 information is in fact the parent or guardian of such applicant.

9           Sec. 2.     Section 60-493, Revised Statutes Supplement,  
10 2000, is amended to read:

11           60-493. When a person applies for an operator's license  
12 or state identification card, the county treasurer or examiner of  
13 the Department of Motor Vehicles shall distribute a brochure  
14 provided by an organ and tissue recovery agency and approved by the  
15 Department of Health and Human Services Regulation and Licensure  
16 containing a description and explanation of the Uniform Anatomical  
17 Gift Act to each person applying for a new or renewal license or  
18 card. Beginning October 1, 2000, the brochure shall include the  
19 information prescribed in subsection (1) of section 60-494.

20           If an individual desires to receive additional specific  
21 information regarding ~~anatomical gifts~~ organ and tissue donation as  
22 indicated on an application or examiner's certificate under section  
23 60-484, 60-4,144, or 60-4,181, the department shall notify a  
24 representative of the Nebraska Organ Retrieval System within five  
25 working days of the name and address of such individual.

26           Sec. 3.     Section 60-494, Revised Statutes Supplement,  
27 2000, is amended to read:

28           60-494.     (1) Each operator's license and state

1 identification card shall provide ~~anatomical gift~~ organ and tissue  
2 donation information regarding the licensee or cardholder. The  
3 location of the information on the license or card shall be  
4 determined by the Department of Motor Vehicles. A special  
5 notification shall be included on the front of the license or card  
6 if the licensee or cardholder desires to make an ~~anatomical gift~~  
7 organ and tissue donation. The information shall include the  
8 following items to be completed by the licensee or cardholder if he  
9 or she desires to make an ~~anatomical gift~~ organ and tissue  
10 donation:

11 (a) A suitable notation indicating that the licensee or  
12 cardholder is a potential donor;

13 (b) A designation as to which body organs or tissues may  
14 be donated;

15 (c) A dated signature of the licensee or cardholder;

16 (d) The signatures of two witnesses who witnessed the  
17 signature of the licensee or cardholder; and

18 (e) Such other information as the director may determine.

19 (2) The ~~gift~~ organ and tissue donation shall be renewed  
20 upon renewal of each license or card only if the licensee or  
21 cardholder, at the time of renewal, complies with the requirements  
22 of subsection (1) of this section.

23 (3) No licensee or cardholder shall be deemed to have  
24 authorized an ~~anatomical gift~~ organ and tissue donation if the  
25 notation authorized in subsection (1) of this section has not been  
26 marked.

27 (4) Any person whose operator's license or state  
28 identification card indicates that he or she desires to make an

1 ~~anatomical gift organ and tissue donation~~ may obtain a replacement  
2 license or card changing his or her status to that of a nondonor.  
3 The fee for such replacement license or card shall be the fee  
4 charged for obtaining a duplicate license or card as provided in  
5 section 60-4,120.

6 Sec. 4. Section 60-4,117, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 60-4,117. The director shall provide each county  
9 treasurer with a sufficient number of official operator's license  
10 blanks to supply the needs of his or her county, and immediately on  
11 the presentation to the county treasurer of the certificate for  
12 license issued by the examining officer of his or her county to the  
13 applicant for such license, the county treasurer shall issue such  
14 license to the applicant. The license shall be in full force and  
15 effect until the expiration date thereon, until officially revoked  
16 or canceled by the director, or until suspended or revoked by a  
17 court of competent jurisdiction as set forth in section 60-496.  
18 The operator's license shall be in the form of a card of a size  
19 that may be conveniently carried on the person. Each license shall  
20 contain the following information: Name, age, place of residence,  
21 post office address, and brief personal description sufficient for  
22 identification of the licensee; the ~~anatomical gift organ and~~  
23 ~~tissue donor~~ information specified in section 60-494; and such  
24 other facts and information, not inconsistent with the Motor  
25 Vehicle Operator's License Act, as the director may determine.

26 Sec. 5. Section 60-4,144, Revised Statutes Supplement,  
27 2000, is amended to read:

28 60-4,144. (1) Application for any original or renewal

1 commercial driver's license or application for any change of class  
2 of commercial motor vehicle, endorsement, or restriction may be  
3 made upon uniform blanks prepared and furnished by the director to  
4 the examiners of the Department of Motor Vehicles prior to January  
5 1, 2003.

6 (2) Beginning October 1, 2000, application for any  
7 original or renewal commercial driver's license or application for  
8 any change of class of commercial motor vehicle, endorsement, or  
9 restriction may be made in a manner prescribed by the department.  
10 Such application may be made to an examiner in any county. The  
11 examiner shall personally conduct the examination of the applicant  
12 and deliver to each successful applicant an examiner's certificate  
13 containing the statements made pursuant to subsection (3) of this  
14 section.

15 (3) The application or examiner's certificate shall  
16 include the voter registration portion pursuant to section 32-308,  
17 the advisement language required by subsection (10) of section  
18 60-6,197, and the following:

19 (a) The full name and current mailing and residential  
20 addresses of the applicant;

21 (b) A physical description of the applicant, including  
22 sex, height, weight, and eye and hair colors;

23 (c) The applicant's date of birth;

24 (d) The applicant's social security number;

25 (e) The applicant's signature;

26 (f) Certification that the commercial motor vehicle in  
27 which the applicant takes any driving skills examination is  
28 representative of the class of commercial motor vehicle that the

1 applicant operates or expects to operate;

2 (g) The certification required pursuant to section  
3 60-4,145 or 60-4,146;

4 (h) The following specific questions:

5 (i) Have you within the last three months (e.g. due to  
6 diabetes, epilepsy, mental illness, head injury, stroke, heart  
7 condition, neurological disease, etc.):

8 (A) lost voluntary control or consciousness ... yes ...  
9 no

10 (B) experienced vertigo or multiple episodes of dizziness  
11 or fainting ... yes ... no

12 (C) experienced disorientation ... yes ... no

13 (D) experienced seizures ... yes ... no

14 (E) experienced impairment of memory, memory loss ... yes  
15 ... no

16 Please explain: .....

17 (ii) Do you experience any condition which affects your  
18 ability to operate a motor vehicle? (e.g. due to loss of or  
19 impairment of foot, leg, hand, or arm; neurological or  
20 neuromuscular disease, etc.) ... yes ... no

21 Please explain: .....

22 (iii) Since the issuance of your last driver's  
23 license/permit has your health or medical condition changed or  
24 worsened? ... yes ... no

25 Please explain, including how the above affects your ability to  
26 drive:

27 .....;

28 (i) Do you wish to register to vote as part of this

1 application process?

2 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
3 QUESTIONS:

4 (j) Do you wish to be an organ and tissue donor? ~~make an~~  
5 ~~anatomical gift?\*~~

6 ~~If yes:~~

7 ~~(A) ..... any needed organs or tissues~~

8 ~~(B) ..... only the following organs or tissues~~

9 ~~.....~~

10 ~~(C) ..... my body for anatomical study, if needed.\*\*~~

11 ~~Limitations or special wishes if any .....~~

12 (k) Do you wish to receive any additional specific  
13 information regarding anatomical gifts organ and tissue donation?

14 \*An anatomical gift means a gift of all or any part of  
15 your body for transplantation, therapy, or medical or dental  
16 education or research. For purposes of an anatomical gift, parts  
17 of your body include organs, tissues, eyes, bones, arteries, blood,  
18 other fluids, and other portions of the human body. You may make  
19 an anatomical gift if you are of sound mind. The anatomical gift  
20 is effective upon your death and the consent of your next of kin,  
21 guardian, or other person as listed in section 71-4802.

22 \*\*In order for you to donate your body to the State  
23 Anatomical Board, you must complete a bequeathal form which is  
24 available from the board.

25 .....

26 Signature of Donor

27 .....

28 City and State

.....

Date of Birth

.....

Witness

.....

Date Signed

.....

Witness

1           (1) Do you wish to donate \$1 to promote the Organ and  
2 Tissue Donor Awareness and Education Fund? ~~This is strictly a~~  
3 ~~voluntary contribution.~~

4           ~~If you answer "YES", you may pay the dollar in cash or~~  
5 ~~simply add it to your license fee payment. Funds collected will be~~  
6 ~~used for statewide public information programs on organ and tissue~~  
7 ~~donation.~~

8           (4) Application shall be made under oath or affirmation  
9 of the applicant.

10           Sec. 6.     Section 60-4,151, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           60-4,151. (1) The commercial driver's license shall be  
13 conspicuously marked Nebraska Commercial Driver's License, shall  
14 be, to the maximum extent practicable, tamper proof, and shall  
15 include the following information:

16           (a) The name and residential address of the holder;

17           (b) The holder's color photograph;

18           (c) A physical description of the holder, including sex,  
19 height, weight, and eye and hair colors;

20           (d) The holder's date of birth;

21           (e) The holder's signature;

22           (f) The class of commercial motor vehicle or vehicles  
23 which the holder is authorized to operate, including any  
24 endorsements or restrictions;

25           (g) The dates between which the commercial driver's  
26 license is valid; and

27           (h) The ~~anatomical gift~~ organ and tissue donor  
28 information specified in section 60-494.

1           (2) The restricted commercial driver's license shall be  
2 conspicuously marked Nebraska Restricted Commercial Driver's  
3 License and shall be, to the maximum extent practicable, tamper and  
4 forgery proof. The restricted commercial driver's license shall  
5 contain such additional information as deemed necessary by the  
6 director.

7           (3) The seasonal permit shall contain such information as  
8 deemed necessary by the director but shall include the time period  
9 during which the commercial motor vehicle operating privilege is  
10 effective. The seasonal permit shall be valid only when held in  
11 conjunction with a restricted commercial driver's license.

12           Sec. 7. Section 60-4,181, Revised Statutes Supplement,  
13 2000, is amended to read:

14           60-4,181. (1) A state identification card shall be  
15 issued by the county treasurer after the person requesting the card  
16 (a) files an application or examiner's certificate with an  
17 examining officer, (b) furnishes two forms of proof of  
18 identification described in section 60-484, and (c) pays a fee to  
19 the county treasurer of eighteen dollars and seventy-five cents.  
20 Three dollars and fifty cents of the fee shall be credited to the  
21 general fund of the county of issuance and shall be included by the  
22 county treasurer in the report of fees as required by law. Five  
23 dollars of the fee shall be remitted to the State Treasurer by the  
24 county treasurer for credit to the Department of Motor Vehicles  
25 Cash Fund. The balance of the fee shall be remitted to the State  
26 Treasurer by the county treasurer and credited to the General Fund.  
27 The state identification card shall contain the ~~anatomical gift~~  
28 organ and tissue donor information specified in section 60-494.

1           (2) The application or examiner's certificate shall  
2 include the name, age, post office address, place of residence,  
3 date of birth, sex, social security number, and physical  
4 description of the applicant, the voter registration portion  
5 pursuant to section 32-308, and the following:

6           (a) Do you wish to register to vote as part of this  
7 application process?

8           (b) Do you wish to ~~make an anatomical gift~~ be an organ  
9 and tissue donor?

10          (c) Do you wish to receive any additional specific  
11 information regarding ~~anatomical gifts~~ organ and tissue donation?

12          (d) Do you wish to donate \$1 to promote the Organ and  
13 Tissue Donor Awareness and Education Fund? ~~This is strictly a~~  
14 ~~voluntary contribution.~~

15               ~~If you answer "YES", you may pay the dollar in cash or~~  
16 ~~simply add it to your fee payment. Funds collected will be used~~  
17 ~~for statewide public information programs on organ and tissue~~  
18 ~~donation.~~

19           (3) The director may summarily cancel any state  
20 identification card, and any judge or magistrate may order a state  
21 identification card canceled in a judgment of conviction, if the  
22 application or examiner's certificate for the card contains any  
23 false or fraudulent statements which were deliberately and  
24 knowingly made as to any matter material to the issuance of the  
25 card or if the application or examiner's certificate does not  
26 contain required or correct information. Any state identification  
27 card so obtained shall be void from the date of issuance. Any  
28 judgment of conviction ordering cancellation of a state

1 identification card shall be transmitted to the director who shall  
2 cancel the card.

3           Sec. 8. This act becomes operative on January 1, 2002.

4           Sec. 9. Original sections 60-4,117 and 60-4,151, Reissue  
5 Revised Statutes of Nebraska, and sections 60-484, 60-493, 60-494,  
6 60-4,144, and 60-4,181, Revised Statutes Supplement, 2000, are  
7 repealed.